

### **Remarks**

Favorable reconsideration of this application is requested in view of the following remarks. Applicant respectfully submits that the Examiner has failed to present correspondence between the claimed invention and the cited references and that the claimed invention should be in condition for allowance.

The Office Action dated January 12, 2006 indicated that claims 16 and 17 are now allowed and claim 12 was rejected under Section 112(2). Claims 1-2, 5-8 and 11-13 stand rejected under 35 U.S.C. § 102(e) over Schuster *et al.* (U.S. Patent No. 6,674,745); claims 3-4 and 9-10 stand rejected under 35 U.S.C. § 103(a) over Schuster in view of Fedyk *et al.* (U.S. Patent No. 6,873,616); and claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) over Schuster in view of Vargo *et al.* (U.S. Patent No. 6,477,164).

With respect to the Section 112(2) rejection of claim 12, Applicant respectfully traverses the objection. Applicant submits that the originating endpoint device and the plurality of user provided gateways are definite and are clearly defined within the claim language. For example, the originating endpoint device in claim 12 is described as coupled between a broadband data network and a local audio interface. Moreover, claim 12 discloses that the originating endpoint device communicates representative audio signals with the broadband data network and that the user defined gateways are defined as coupled to a broadband data network and one of a plurality of regional telephone networks and that one of the user defined gateways is used as a remote network-terminating gateway. Thus, the Section 112 objection is not proper because the claim language clearly defines each of the objected elements (originating endpoint device and user defined gateways). Moreover, Applicant submits that various embodiments of endpoints and gateways are defined within the specification (*e.g.*, page 5, lines 1-14). Applicant respectfully requests that the rejection be removed.

Applicant appreciates the allowance of claims 16-17.

Applicant respectfully traverses Section 102(e) and 103(a) rejections because the Examiner fails to present any reference or combination of references that corresponds to the claimed invention. The Examiner's assertions of correspondence are not supported by the teachings of the '745, '646, or '164 references.

In order to facilitate prosecution, claim 1 has been amended to include a limitation related to communicating audible signals. Accordingly, with respect to the independent claims 1 and 12, none of the cited references teach an originating endpoint device for communicating audible signals. The Examiner's assertion that ITG 18 and 20 (FIG. 1 of the '745 reference) teach the limitations of the claimed originating endpoint device mistakenly describes the audio processing circuit taught by the '745 reference as receiving uncoded analog signals. Instead, the '745 reference teaches that ITG 18 and 20 receive digital data signals as supported by the Examiner's citations (*i.e.*, column 4, lines 41-47 and column 8, lines 58-65.) For example, the '745 reference teaches "then the originating and terminating gateways 18, 20 may begin transmitting and receiving packet streams representing the interactive digitized voice signals of the caller and called parties." *See*, Column 8, lines 58-61. Thus, the '745 teaches that ITG 18 and 20 receive digital signals as further supported by the Examiner's statement that "the PSTNs 22,24 convert the transmitted and received digital signals back to audio for each responsive party to understand..." Thus, the PSTNs are taught to communicate with the ITGs 18 and 20 using digital signals, and the ITGs are taught to communicate between themselves using digital signals. Applicant submits that the Examiner has, therefore, not shown how the '745 reference teaches communicating audible signals as required by independent claims 1 and 12.

For the aforementioned reasons, the Examiner has failed to present correspondence for each and every claimed limitation. Without a presentation of such correspondence to each of the claimed limitations, the prior art rejections cannot be maintained. Accordingly, Applicant requests that each of the rejections be withdrawn.

With respect to claims 2-6 and 13-15, Applicant respectfully traverses the rejections. Claims 2-6 depend from claim 1, and thus, contain all the limitations of claim 1. Claims 13-15 depend from claim 12, and thus, contain all the limitations of claim 12. Applicant submits that claims 2-6 and 13-15 should be in condition for allowance because the Examiner has failed to present correspondence for each of claims 1 and 12 from which they depend. Accordingly, Applicant requests that each of the rejections be withdrawn.

In an effort to facilitate prosecution, Applicant has amended claims 7-11 to clarify an aspect of the claim limitation related to audio arrangement for producing and receiving sound. Applicant traverses the objections to claims 7-11 because none of the cited references teach all the limitations of claims 7-11. For example, none of the references teaches a first and second endpoint device each having an audio arrangement capable of producing and receiving sound for communications. Moreover, none of the cited references teaches establishing audio communications between the first endpoint device and the remote PSTN communication device using the audio arrangements. Accordingly, Applicant requests that each of the rejections be withdrawn.

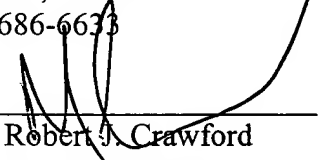
Each of the amendments are fully supported in the specification (*e.g.*, the discussion of Figure 1) and as such do not represent new matter.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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